

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
February 3, 2004

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, February 3, 2004, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Father James Barlow, Langley Air Force Base Chaplain, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance.

CITIZENS COMMENT PERIOD

Mr. Helmut Walter, 119 Larchwood Road, read his January 16 letter regarding the picnic shelter at New Quarter Park that the Rotary Club is planning to build. He noted that members of the club have worked with the Parks and Recreation Division and the General Services Department to agree on the site, type of structure, and who will do what to make the project happen. He stated they are anticipating a Spring 2004 construction timeframe so that it will be complete by the summer season.

Chairman Shepperd thanked Mr. Walter and the Yorktown Rotary Club for the tremendous contribution to the community.

Ms. Tammie Hicks, 1701 Penniman Road, expressed her concern about Penniman Road and Water Country Parkway. She stated the old portion of Penniman Road was abandoned when Route 199 came through, but it is still an access road utilized on a daily basis by the schools and postal service. She noted she has talked with Mr. Hicks of VDOT, and some potholes have been filled in. Ms. Hicks stated she doesn't want this portion of Penniman Road forgotten, and asked that it be maintained.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett noted he had made a report earlier to the Board by email on the status of the General Assembly session. He reported on a bill concerning localities' ability to remove abandoned non-conforming signs that is being held up in committee. Another bill regarding the removal of public officers is also being held up in committee. HB749 is a procurement bill that would allow localities to purchase off the federal GSA contracts, and it has been amended to provide that localities can purchase even if the federal bid did not specify it could be made available to other government entities. Mr. Barnett noted one bill that may have an impact on York County is SB76 concerning the placement and removal of political signs. SB652 is the proposed \$2 per room increase in the occupancy tax that was submitted by Senator Norment and has been reported out of the Finance Committee slightly modified. The amendment provides a sunset clause stating if the localities do not adopt an ordinance by August 1 allowing the \$2 tax, the authority would expire. Concerning the committee to oversee the income from the \$2 tax, the representatives from the three jurisdictions would have to be members of the Board of Supervisors. The Executive Director of the Virginia Tourism Corporation would be made an ex-officio member of the entity formed to oversee the funds. Mr. Barnett stated the tax bills have not yet been heard in committee. The Adequate Public Facilities bills that allow localities to limit development are all going to be continued to 2005, although none have been continued as yet.

Mr. Burgett questioned why the County can't require individuals riding scooters to wear helmets, although the County can require children to wear a helmet to ride a bicycle.

Mr. Barnett answered that at the present time the Board has the authority to require helmets on mopeds, plus anything else having a horsepower of 30 and up. The issue in a number of communities that is not covered in the Code is with respect to motorized skateboards. There are several moped bills pending before the General Assembly. He noted he is waiting until he sees what is passed and not passed, and he will draft an ordinance accordingly.

Mr. Zaremba indicated Mr. Barnett had stated that tax related bills were not yet on the table. He asked if that includes the Board's request to tax cigarettes.

Mr. Barnett stated there are many bills pending to allow localities to adopt cigarette taxes, and he reviewed some of them. He indicated the bills are all sitting in finance committees in the Senate and House.

Mr. Zaremba noted the major issue this year is tax reform, and there are members of both parties who are for tax reform and against it. He asked Mr. Barnett if he had had any sense of where tax reform is going.

Mr. Barnett stated he did not think anyone knows where it is going. He indicated he has not seen or heard anything.

Chairman Shepperd asked Mr. Barnett if the bill on political signs would have any effect on deeded restrictions in homeowners' associations.

Mr. Barnett stated that none applies to homeowner association covenants that are a matter of private contract. He indicated he has not seen anything this year that would apply to them.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds announced that last week the County was notified by the Virginia Housing Development Authority that the County has received set-aside funding totaling \$1.5 million for mortgages to qualified homebuyers. He stated \$500,000 will be made available for ½ percent below the standard VHDA first-time homebuyers rate, and the remaining \$1 million will be made available at 1 percent below the standard rate. He reviewed some of the qualifications that must be met for individuals to qualify for the funding. He congratulated Anne Smith and Frank Rogers for a job well done in obtaining this funding. Mr. McReynolds then noted that one week from tonight the Board has a work session scheduled to address the Capital Improvements Program for 2005-2010 and new programs/personnel, as well as a presentation by the Heritage Humane Society. February 17 is the date of the next Regular Meeting, and the March 2 Regular Meeting will contain the presentation of the proposed FY2005 budget.

Mr. Zaremba mentioned the decals that used to be placed on vehicle windshields that indicated the personal property tax had been paid for that vehicle. He stated the Board had passed an ordinance that did away with the posting of these decals, and he asked what the staff has done to date to try and preclude law enforcement officers from pulling over York County citizens because they do not have decals.

Mr. McReynolds stated staff has contacted each of the law enforcement agencies in the area to let them know that the decal no longer needs to be displayed for York County vehicles. He indicated staff is doing everything it can to get other localities to accept York County's action.

Discussion followed regarding citizens being allowed to continue to display their decals until they have received a receipt from the Treasurer indicating their taxes have been paid.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll reminded the public that February is Black History Month. She indicated a program starts Thursday and runs through Sunday put on by the York County Historical Committee, and she encouraged everyone to attend. She noted she had attended a meeting in Richmond

that was a celebration sponsored by Dominion Virginia Power that highlighted outstanding black African American citizens who excel in a particular area. Mrs. Noll commended Dominion Virginia Power for fostering the program.

Mr. Burgett stated he had been receiving calls about vehicle decals from concerned citizens, and he reminded the Board and citizens that he was the lone holdout for a permanent decal. He noted if the lack of a decal doesn't ultimately work, the County could always go to a permanent decal if problems persist. Mr. Burgett stated he visited the County website today, and it is all new. He stated he felt it was just great, and is extremely easy to use. He then spoke concerning athletic fields, stating he had a call from a lady who says the County needs more fields. Mr. Burgett stated the Board and School Board are all aware of this need, but York County owns very little land, and spends over \$2 million in parks and recreation and \$.5 million on maintenance of athletic fields each year. He stated he was encouraged that the County will go forward with Newport News in the pursuit of other recreational amenities. Mr. Burgett then noted he had received a letter requesting support of after prom activities this year, and he indicated the School Board was also thinking of supporting them this year.

Mr. Bowman stated that yesterday he had his first baptism with the budget process. The items on the budget this year are not much different than in years past, but some hard choices will have to be made. He indicated that staff explained items that were mandated by the state, and he asked if any funds were being provided by the state. He noted that the answer most times was "no," which makes the decisions very difficult for the Board. He then spoke of the Capital Improvements Program that contains items costing millions of dollars. He noted that York High School is on the plan at a cost of about \$10 million. Mr. Bowman expressed his appreciation to Mr. McReynolds and the Financial and Management Services staff for their briefing. He then asked if the debris pickup along shoulders of the road has ended.

Mr. McReynolds indicated the debris pick-up program associated with the hurricane has ended. He explained the County has a bulky item pickup that is \$10 per load, and it can pick up debris 24 inches in diameter and 10 feet long. He asked citizens to call Solid Waste Management for pickup arrangements.

Mr. Bowman asked citizens not to pile trash along the side of the road but to contact the County for a special pickup.

Mr. Zaremba thanked Mr. Walter for the Rotary Club's initiative to build a picnic shelter at New Quarter Park, noting it will be a great contribution to the County. He then noted that on Friday Mr. Hicks of VDOT was going with him to view the roads throughout District 1, and he will look at the piece of Penniman Road that Tammie Hicks was talking about. He noted the County Administrator is going to provide the Board with an update on the water situation in Queens Lake soon, stating Queens Lake is at the top of the priority list for water system replacement. Sydnor has been purchased, and the new company was supposed to advise as to what they will do for Queens Lake. Mr. Zaremba stated Queens Lake also experiences electrical outages frequently, and he has been in contact with Dominion Virginia Power, which is working to solve the problem. Mr. Zaremba then addressed unfunded state mandates, stating this is one way the General Assembly has of balancing its budget by taking a program or service it is responsible for and putting it on the shoulders of the local governments and telling them to provide the programs and services at their cost. He then addressed the FY2005 Budget, stating the Board wants the citizens to know they are all involved in the process, and can contact any member of the Board on the budget issues. The more the Board hears about an issue, the more likely the issue will be resolved through a funding stream. He noted another way the General Assembly solves its problems is through tax reform. Many businesses are exempt from paying taxes to the state. The General Assembly needs to take a good look at whether or not these businesses should actually be tax exempt. If this was resolved at the state level, the budget problems might be fixed.

Meeting Recessed. At 7:51 p.m., Chairman Shepperd declared a recess until 8:00 p.m.

Meeting Reconvened. At 8:00 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC FORUM**PROPOSED FISCAL YEAR 2005 BUDGET**

Chairman Shepperd called to order a public forum on the proposed Fiscal Year 2005 Budget which was duly advertised as required by law. He noted this was a time for the Board to receive comments from the public or organizations with information relevant to the 2005 budget. He asked that the speakers limit their comments to the budget.

Mrs. Bonnie Karwac, representing the York County Historical Museum, thanked the Board and staff for establishing the museum to advance the knowledge and history of York County. She spoke of the types of things included in the museum, noting the museum includes all facets of York County history. She stated it provides an opportunity for people to see more overall history, and there is no admission fee. This educational resource has hosted over 3,000 visitors, and over 800 hours of volunteer service has been provided. Mrs. Karwac noted that a new exhibit area will be completed very soon, and all money donated to the museum is spent on artifacts and displays.

Ms. Becky Burns, 1801 Woods of York, spoke regarding her mental handicap and being a member of People's Place that provides her support to remain mentally healthy and productive. She asked the Board to implement a program to help her and others like her work and keep their Medicaid benefits. She spoke of the People's Place programs that help its clients to live and work in the community. She stated the public needs to be more educated about mental disabilities, and the Colonial Services Board needs more funding for its programs. Ms. Burns asked the Board to be generous and fund the program at a higher level.

Mrs. Liz Tragle, Chairperson of York County Extension Leadership Council, indicated the Council's request this year is for \$61,725 to support the Extension Office. Due to limited state resources, the office is functioning with only Mr. Orband and Jody Painter funded by the State; and the County funds a work-as-required position for the summer camp and peer/teacher programs. Mrs. Tragle spoke of other programs provided by the Extension Office, and she provided statistics of Extension Office participation during the past year.

Mrs. Sheila Myers, representing the York County Arts Commission, indicated the Commission was established to serve as an advisory body to Board of Supervisors to enhance and enrich the cultural life in the community. At the Commission's recommendation, the Board of Supervisors funded 39 organizations this past year. She specifically noted the many children in the York County school system that are affected by the programs put on by the grantees. Mrs. Myers thanked the Board for its past funding and continued support.

Mrs. Winifred Bragg, representing the Senior Center Board, Peninsula Agency on Aging, and the volunteers who provide a large part of the daily support of the Senior Center, spoke of their 3-way partnership, stating the Center is one of the finest on the Peninsula. During 2003 the Center celebrated its 12th anniversary and welcomed close to 15,000 patrons. Since 1991 over 138,308 individuals have visited the Center. Mrs. Bragg thanked the Board for its support and continued faith in the Center's goals. She also expressed a special thanks to Community Services' Anne Smith, General Services Engineering and Facility Maintenance, and Computer Support Services for their continued work to make the facility the very best.

Mr. John McCrimmon, representing Retired Senior Volunteer Program (RSVP) of the Virginia Peninsula, thanked the Board of Supervisors for its past support. He stated that during 2003 RSVP worked with 114 senior volunteers from York County providing service to the community. He asked the Board of Supervisors for its continued assistance in the future to improve the quality of life for seniors in the community. Mr. McCrimmon noted that RSVP is a partially federal funded program.

Mrs. Lynn DiVito, Vice Chairman of the York County Historical Committee, thanked the Board for its support. She noted the Historical Committee consists of 25 members and 8 associate members who this past year provided 3,500 volunteer hours to the County or an equivalent donation of \$69,000. She spoke of the events in which the Committee has participated every month of the year except two, and she reviewed the programs. Mrs. DiVito spoke of future projects of the committee and the need to expand funding for projects. She asked the Board of Supervisors to fully fund the Historical Committee budget request for FY05.

Ms. Jenny Scherer, representing Transitions Family Violence Services, stated Transitions has been a hotline and emergency transitional shelter for battered women and their children for 27 years. She spoke of how critical York County funding for the program is to the individuals in the County who need the services, and she spoke of the programs and services provided. She stated Transitions' mission is to build safe and healthy families, and they partner with other organizations to make this happen. Ms. Scherer noted that since 1980 no woman has been murdered by her abuser, a statistic not normally available to other battered women's shelters. She asked the Board to provide funding in its FY05 budget to help keep Transitions' doors open and saving lives.

Mr. William Massey, Director of the Peninsula Agency on Aging (PAA), noted that the Board's appointee to the PAA Board is Jim Funk who is presently serving as Chair. He thanked the Board for its past support and requested the Board's continued support in FY05. Mr. Massey noted that 363 residents were assisted in FY03, and he also spoke of the numbers of meals provided to clients and other statistics dealing with services provided by the PAA.

Ms. Barbara Seibert, representing the Avalon Center for women and children, stated the Center houses over 300 women a year, many of whom are from York County. She spoke of the helpline that took over 1,000 crisis calls from York County residents. The Center provides a school-based counseling program with over 28,000 hours of work in the school system. She noted the Center partners with the York/Poquoson Department of Social Services for a support group at Charles Brown Park. A program was also developed to bring deputies to residential sites to talk about the referral process. Ms. Seibert indicated the Center lost grant funds last year, and looks to losing more this year. She thanked the Board of Supervisors for its continued support.

Ms. Madie Haskell, 283-B Patriot Lane, Director of the Child Development Resources First Steps Program, introduced two parents—Candace and Walter—to tell of their children's experiences in the First Steps Program.

Mr. Walter Dupree stated the First Steps program is a wonderful program that he hopes the Board continues. He stated he and his wife have two children in the program now, and one on the way. After their second child, he stated they made the decision for him to become the homemaker, but he stated he lacked the knowledge to teach the children in the proper way. Mr. Dupree stated there has been a drastic improvement since the he, his wife, and children have been in the program.

Ms. Lynn Wolfe, representing Child Development Resource's (CDR) Infant and Toddler Connection, thanked the Board of Supervisors for its continuing financial support. She asked the Board to provide funding for a new program, the 566-TOTS line which provides guidance and information to new parents. She stated 25 percent of those using the line were from York County. Ms. Wolfe noted this is a challenging fiscal year, but she asked for \$8,193 in next year's budget for the 566-TOTS program.

Ms. Deborah Moore, a family consultant for CHIP of Greater Williamsburg, which became a part of CDR Infant and Toddler services as of July 1, 2003, noted that last year CHIP provided services to York County families through 200 hours of service. The program is currently serving 18 children and pre-natal women. Ms. Moore requested that the Board provide \$7,481 in the next fiscal year budget for this program, and noted it continued to provide services without York County funding last year.

The Honorable Merlin Renne, Judge of the District Court and Member of the Colonial Community Criminal Justice Board (CCCJB), introduced Ms. Joan Lucera, the CCCJB criminal justice planner. He noted that state law mandates the County have such a board, and Ms. Lucera serves as the Board's entire staff. He asked the Board of Supervisors to continue to fund a share of her salary. Judge Renne then spoke of concerns of the CCCJB and some of the programs that are being investigated to find ways to better serve the localities. He thanked the Board for its continued support.

JOINT PUBLIC HEARING

PROPOSED SECONDARY SIX-YEAR ROAD PLAN

February 3, 2004

Mr. Carter made a presentation on the proposed Secondary Six-Year Road Plan, and he reviewed the projects contained in the plan totalling \$23 million worth of construction. He indicated that 68 percent of the plan is to be funded during the next six years. Mr. Carter noted the proposed resolution would approve the plan and also endorse the construction budget for the 2004 and 2005 period.

Mr. Zaremba asked if there is any money programmed in the next fiscal year for the Water Country Parkway project.

Mr. Steve Hicks, VDOT Resident Engineer, stated there is no money in the upcoming program; however, in 2007 there are funds available to initiate this project. He stated VDOT will start aggressively moving on the revenue sharing money that the County has contributed to start moving the project forward.

Mr. Zaremba asked if it was for construction or engineering.

Mr. Hicks indicated it was for design only.

Mr. Bowman expressed his concern about the priority of work to be done. He spoke of the Burts Road/Grafton Drive intersection, stating there is no light at the intersection at Rainbrook Villas. Motorists have to cross Route 17 to make a left-hand turn. He stated there has been a piece of property sold in front of Rainbrook Villa with a car wash coming in which will cause even more congestion. Mr. Bowman asked if there is any way that a harder look could be given to this area in the near future because it could become a dangerous issue.

Mr. Carter indicated there is sufficient money in this plan and in the upcoming year budget to advance the preliminary engineering, which needs to be done before construction can advance. The preliminary engineering will give a good idea of the cost in order to program funds from the secondary budget or supplementary funds from revenue sharing. Mr. Carter noted that Mr. Hicks is also looking at interim improvements at the Grafton Drive/Route 17 intersection to better accommodate movements in that area.

Mr. Hicks stated the projects are not in priority order. He explained that the cost of constructing some projects is substantially higher, so the projects that don't require as much will get funded earlier. He noted that many projects are driven due to the time it takes to get the project engineered.

Chairman Shepperd then called to order a joint public hearing with the Virginia Department of Transportation on proposed Resolution R04-20 that was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A PROJECT PRIORITY LISTING
FOR SECONDARY ROAD CONSTRUCTION FOR THE SIX-YEAR
PERIOD FY2004-05 THROUGH FY2009-10 AND TO APPROVE A
CONSTRUCTION BUDGET FOR FY 2004-2005

There being no one present who wished to speak concerning the subject resolution, Chairman Shepperd closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R04-20 that reads:

A RESOLUTION TO APPROVE A PROJECT PRIORITY LISTING
FOR SECONDARY ROAD CONSTRUCTION FOR THE SIX-YEAR
PERIOD FY2004-05 THROUGH FY2009-10 AND TO APPROVE A
CONSTRUCTION BUDGET FOR FY 2004-2005

WHEREAS, the York County Board of Supervisors has been requested to give consideration to a proposed program of secondary road improvements contained in the six-year plan; and

WHEREAS, the Resident Engineer of the Virginia Department of Transportation has provided a recommended program which the Board of Supervisors has carefully considered; and

WHEREAS, the York County Planning Commission has specifically reviewed the proposed projects and determined them to be in conformance with the York County Comprehensive Plan; and

WHEREAS, the Board and the Virginia Department of Transportation have jointly conducted a duly advertised public hearing on the proposal in accordance with applicable procedures; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of February, 2004, that the Board does hereby adopt the following project priorities for the Six-Year Secondary Road Plan during the six-year period of FY2004-2005 through FY2009-2010:

1. **Lakeside Drive** – intersection and turning lane improvements between Route 17 and Dare Road.
2. **Big Bethel Road** – intersection improvements at Route 134 and Route 171.
3. **Fort Eustis Boulevard Extension** – construct a new road on a new location between the current terminus at Patriot Square Shopping Center and Old York-Hampton Highway (Route 634).
4. **Penniman Road** – reconstruct and repave from Alexander Lee Parkway to Fillmore Drive.
5. **Cary's Chapel Road** – construct intersection improvement at Victory Boulevard (Route 171).
6. **Water Country Parkway** – relocate/re-align to eliminate s-curve and reconstruct to improve access to economic priority area.
7. **Grafton Drive** – reconstruct and re-align Grafton Drive/Dare Road/Route 17 intersection to accommodate connection of Grafton Drive and Burts Road.
8. **Burts Road** – connect with Grafton Drive on a new corridor alignment parallel to Route 17.
9. **Yorkville Road** – improve 90-degree curve.
10. **Cook Road** – provide 20% local match for CMAQ-funded project to construct bicycle lanes between the northern intersection of Surrender Road and Ballard Street.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby approves the Secondary System Construction Budget for FY 2004-2005 as presented by the Resident Engineer of the Virginia Department of Transportation.

BE IT STILL FURTHER RESOLVED that the Resident Engineer be, and he is hereby, commended for his assistance and support in addressing the transportation needs of the County.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and he is hereby, authorized to sign and execute all such documents as are necessary to evidence the Board's approval of the Construction Budget and the Six-Year Plan.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
Nay: (0)

PUBLIC HEARINGS

TAX EXEMPTION FOR ELDERLY AND DISABLED PERSONS

February 3, 2004

Mr. McReynolds made a presentation on proposed Ordinance No. 04-1 to amend the York County Code to increase the allowable income amounts for elderly and disabled persons to the current limits under Housing and Urban Development guidelines and to increase the amount of tax relief available in each income bracket.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 04-1 that was duly advertised as required by law and is entitled:

AN ORDINANCE AMENDING SECTIONS 21-42 AND 21-44, THE
YORK COUNTY CODE, RELATING TO REAL ESTATE TAX EX-
EMPTION FOR ELDERLY AND DISABLED PERSONS.

There being no one present who wished to speak concerning the subject ordinance, Chairman Shepperd closed the public hearing.

Mr. Burgett moved the adoption of proposed Ordinance No. 04-1 that reads:

AN ORDINANCE AMENDING SECTIONS 21-42 AND 21-44, THE
YORK COUNTY CODE, RELATING TO REAL ESTATE TAX EX-
EMPTION FOR ELDERLY AND DISABLED PERSONS

WHEREAS, In 1973, the York County Board of Supervisors adopted the Real Estate Tax Exemption for Elderly and Disabled Persons and income guidelines for eligibility were implemented in the 1980s; and

WHEREAS, in January 2002, in accordance with the Virginia State Code, the York County Board of Supervisors increased the income guidelines, net combined financial worth, and exemption amounts under the program; and

WHEREAS, in an ongoing effort to assist elderly and disabled homeowners seeking to maintain their residency in the County, the York County Board of Supervisors wishes to further expand the program to enhance the benefits to eligible households;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 3rd day of February, 2004 that it does hereby approve amending York County Code, Sections 21-42 and 21-44 to provide increased eligibility for the Real Estate Tax Exemption for Elderly and Disabled Persons as follows:

Sec. 21-42. Authorized; maximum amount.

Tax exemption is provided for the dwelling of qualified property owners who are not less than sixty-five (65) years of age or who are permanently and totally disabled and who are otherwise eligible according to the provisions of this article. Persons qualifying for exemption are deemed to be bearing an extraordinary tax burden on the property described in this article, in relation to their income and financial worth. Persons qualifying for and claiming exemption under this article shall be exempt from the amount of taxes assessed against such property, as determined by the following chart:

<i>Total Combined Income as determined Pursuant to section 21-44</i>		<i>Amount of Exemption</i>
1 Eligible Owner	2 or more Eligible Owners	
Less than \$17,850.00	Less than \$17,850.00	100%
\$17,850.00 to \$19,300.00	\$17,850.00 to \$22,100.00	An amount not to exceed \$600.00

\$19,300.00 to \$25,100.00	\$22,100.00 to \$28,725.00	An amount not to exceed \$420.00
\$25,100.00 to \$30,900.00	\$28,725.00 to \$35,350.00	An amount not to exceed \$300.00

Sec. 21-44. General prerequisites to grant.

Exemption shall be granted to eligible persons subject to the following requirements:

- (a) A dwelling jointly held by a husband and wife may qualify if either spouse is sixty-five (65) or over or who is permanently and totally disabled.
- (b) The dwelling is occupied as the sole residence of the person or person(s) claiming exemption; provided, however, that the residence of persons, who are otherwise qualified for tax exemption under this article, for extended periods of time in hospitals, nursing homes, convalescent homes or other facilities for physical or mental care shall not be construed to mean that the real estate for which exemption is sought has ceased to be the sole dwelling of such persons during extended periods of other residence, unless such real estate is used by or leased to others for consideration.
- (c) The eligible person(s) occupying such dwelling and owning title thereto is/are not less than sixty-five (65) years of age on December thirty-first of the year immediately preceding the taxable year or is/are determined to be totally and permanently disabled not later than December thirty-first of the year immediately preceding the taxable year.
- (d) The total combined income during the immediately preceding calendar year, from all sources, of the owner of the dwelling living therein and the owner's relatives living in the dwelling does not exceed thirty thousand nine hundred dollars (\$30,900.00) for households with one eligible owner or thirty five thousand three hundred and fifty dollars (\$35,350.00) for households with two or more eligible owners; provided, however, that the first sixty-five hundred dollars (\$6,500.00) of each relative, other than spouse, of the owner who is living in the dwelling, and the first seventy-five hundred dollars (\$7,500.00), or any portion thereof, of any income received by an owner who is permanently disabled shall not be included in such total.
- (e) The net combined financial worth, including equitable interests, as of December thirty-first of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one (1) acre, upon which it is situated, does not exceed one hundred thousand dollars (\$100,000.00). The value of furnishings, such as furniture, household appliances and other items typically used in a home, shall also be excluded from the net combined financial worth of such owner.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd
 Nay: (0)

APPLICATION NOS. SE-9-04 AND SE-10-04, CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS.

Mr. Carter made a presentation on Application Nos. SE-9-04 and SE-10-04 requesting authorization of special exceptions to the height limitation to allow construction of 40-foot steeples on the roofs of the two Church of Jesus Christ of Latter Day Saints buildings located at 2017 Newman Road and 113 Sinclair Lane. He noted this is a special exception application that goes directly to the Board and does not go through the Planning Commission. He stated the only difference in the applications is that the site at Sinclair Lane was originally approved through a

use permit and the other was a by-right development. Mr. Carter stated that in both cases the staff recommends approval.

Discussion followed concerning the height of other church steeples in the County and insuring that notification was provided to adjacent residents of the applications.

Chairman Shepperd then called to order a public hearing on Application No. SE-09-04 that was duly advertised as required by law. Proposed Resolution R04-9 is entitled:

A RESOLUTION TO APPROVE A REQUEST FOR A SPECIAL EXCEPTION TO THE HEIGHT LIMITATIONS TO ALLOW CONSTRUCTION OF A 40' STEEPLE ON THE ROOF OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS AT 2017 NEWMAN ROAD

Mr. Mark Dennison, Facilities Manager for the Church, stated it was the intent of the Church to be good neighbors, and it allows the use of the church by neighboring organizations. He stated the Church has begun an initiative to establish roof-mounted steeples for the church buildings, but the proposed steeples are too tall according to York County regulations. Mr. Dennison asked the Board to approve the special exception in order for the church to build the proposed steeples.

There being no one else who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R04-9 that reads:

A RESOLUTION TO APPROVE A REQUEST FOR A SPECIAL EXCEPTION TO THE HEIGHT LIMITATIONS TO ALLOW CONSTRUCTION OF A 40' STEEPLE ON THE ROOF OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS AT 2017 NEWMAN ROAD

WHEREAS, the Church of Jesus Christ of Latter Day Saints has submitted a request for a Special Exception, pursuant to Section 24.1-231(b) of the Zoning Ordinance, to the height limitations in the Rural Residential zoning district to allow the construction of a steeple up to 40' in height on the roof of an existing church located at 2017 Newman Road (Route 646) approximately 172 feet west of the intersection of Newman Road and Kingsgate Road (Route 1616) and is further identified as Assessor's Parcel No. 2G-32A-1A; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and the staff recommendations with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of February, 2004, that Application No. SE-9-04 be, and it is hereby, approved to authorize a Special Exception to allow construction of a 40' steeple to an existing church located at 2017 Newman Road (Route 646) approximately 172 feet west of the intersection of Newman Road and Kingsgate Road (Route 1616) and is further identified as Assessor's Parcel No. 2G-32A-1A, subject to the following conditions:

1. This Special Exception shall authorize the construction of a steeple up to 40' in height on the roof of the existing Church of Jesus Christ of Latter Day Saints located at 2017 Newman Road (Route 646).
2. The steeple shall be constructed in general conformance with the plan titled "LDS GMSR PROJECT, Williamsburg VA" signed by James Patterson, Professional Engineer, and dated January 9, 2003, and the building elevations of the same name also signed by James Patterson, Professional Engineer, dated November 3, 2000, revised March 10, 2001, and revised October 15, 2001, copies of which shall remain on file in the Planning Division.
3. No structure on the site shall have a total height greater than 68' above ground elevation.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd
Nay: (0)

Chairman Shepperd then called to order a public hearing on Application No. SE-10-04 that was duly advertised as required by law. Proposed Resolution R04-10 is entitled:

A RESOLUTION TO APPROVE A REQUEST FOR A SPECIAL EXCEPTION TO THE HEIGHT LIMITATIONS TO ALLOW CONSTRUCTION OF A 40' STEEPLE ON THE ROOF OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS AT 113 SINCLAIR LANE

There being no one present who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mr. Bowman moved the adoption of proposed Resolution R04-10 that reads:

A RESOLUTION TO APPROVE A REQUEST FOR A SPECIAL EXCEPTION TO THE HEIGHT LIMITATIONS TO ALLOW CONSTRUCTION OF A 40' STEEPLE ON THE ROOF OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS AT 113 SINCLAIR LANE

WHEREAS, the Church of Jesus Christ of Latter Day Saints has submitted a request for a Special Exception, pursuant to Section 24.1-231(b) of the Zoning Ordinance, to the height limitations in the Rural Residential zoning district to allow the construction of a steeple up to 40' in height on the roof of an existing church located at 113 Sinclair Lane (Route 1541) at the intersection of Sinclair Lane and Victory Boulevard (Route 171) and further identified as Assessor's Parcel No. 31B-1-B; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and the staff recommendations with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of February, 2004, that Application No. SE-10-04 be, and it is hereby, approved to authorize a Special Exception to allow construction of a 40' steeple to an existing church located 113 Sinclair Lane (Route 1541) at the intersection of Sinclair Lane and Victory Boulevard (Route 171) and further identified as Assessor's Parcel No. 31B-1-B, subject to the following conditions:

1. This Special Exception shall authorize the construction of a steeple up to 40' in height on the roof of the existing Church of Jesus Christ of Latter Day Saints located at 113 Sinclair Lane (Route 1541).
2. The steeple shall be constructed in general conformance with the plan titled "LDS GMSR PROJECT, Poquosim VA" (*sic*) signed by James Patterson, Professional Engineer, and dated January 9, 2003, and the building elevations titled "LDS GMSR PROJECT, Poquoson" also signed by James Patterson, Professional Engineer, dated November 3, 2000, revised March 10, 2001, and revised October 15, 2001, copies of which shall remain on file in the Planning Division.
3. No structure on the site shall have a total height greater than 68' above ground elevation.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd
Nay: (0)

MATTERS PRESENTED BY THE BOARD (Continued)

Chairman Shepperd spoke concerning the Black History Celebration programs to take place in York Hall on February 5 through 8. He stated he is continuing to receive comments, calls, and emails reference playground equipment for the schools. The Board has tried to tell the public to address this issue to the School Board, as this is where the results will be. Chairman Shepperd then spoke of the community network, noting that Anne Smith will make a presentation on February 9 at York Hall. He stated the program is set up by the Chamber of Commerce for homeowners' associations to establish web sites, and it is a free service. He then stated he had attended the Hampton Roads Mayors and Chairs meeting on January 23, and one of the issues brought up was a list of the legislative bills on which the localities would share common ground. He indicated the communities are not communicating with the state on the Base Realignment and Closure (BRAC) issue, and he asked the citizens to call their legislators and let them know they need to get together.

Mr. Zaremba noted that if the Chair thinks the Board members and citizens should interact with state representatives on the BRAC issue, more information is needed. He asked that someone from the HRPDC come and brief the Board of Supervisors.

Chairman Shepperd also noted that the HRPDC provided a presentation on the forecast for the region, which indicated it has come out of a recession, and it caused state income tax collections to drop. The real estate taxes stayed fairly level, but that makes the region a target for unfunded mandates. Mr. Shepperd stated the employment rate has grown faster in Hampton Roads than in the state or the nation, and the acceleration of the US economy is projected at 4.6 percent, while Hampton Roads is looking at a projection of 3.9 percent.

NEW BUSINESS**APPROVAL OF 2003 MINUTES**

Mr. McReynolds explained that since Mr. Shepperd was not the Chairman at the time of the subject meetings held in 2003, the Code of Virginia requires that the minutes be read prior to their approval and that the current Chairman be authorized to sign them.

Chairman Shepperd then polled the Board members, determining that each of them had read the minutes of the December 2003 meetings of the Board of Supervisors as contained in their agenda materials.

Mr. Burgett then moved that the minutes of the December 2003 Board of Supervisors' meetings be approved as submitted and that Chairman Shepperd be authorized to sign such.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
Nay: (0)

REVENUE SHARING AGREEMENTS

Mr. McReynolds briefly explained the purpose of proposed Resolution R04-22 to authorize the execution of agreements with the Virginia Department of Transportation for the administration of the supplementary Revenue Sharing Program project funds approved for York County.

A brief discussion followed regarding the maximum amount of supplementary funding that can be requested and the administration of the funds received.

Mrs. Noll then moved the adoption of proposed Resolution R04-22 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AGREEMENTS WITH THE VIRGINIA DEPARTMENT
OF TRANSPORTATION FOR THE ADMINISTRATION OF THE
SUPPLEMENTARY REVENUE SHARING PROGRAM PROJECT
FUNDS APPROVED FOR YORK COUNTY BY ACTION OF THE

COMMONWEALTH TRANSPORTATION BOARD AND TO APPROPRIATE THE VDOT REVENUE SHARING FUNDS

WHEREAS, the Virginia Department of Transportation (VDOT) has approved the County's request to provide supplementary Revenue Sharing Program funding for the Route 17 landscaping/streetscaping project recommended by the Route 17 Corridor Revitalization Committee; and

WHEREAS, VDOT has approved supplementary Revenue Sharing Program funding in the amount of \$95,090, to be matched by an equal amount of County funds; and

WHEREAS, in accordance with Revenue Sharing Program guidelines, the County may administer and implement eligible projects subject to execution of project administration agreements; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of February, 2004, that the County Administrator be, and he is hereby, authorized to execute such agreements between York County and the Commonwealth of Virginia Department of Transportation as are necessary to provide for the implementation of the above-noted project, said agreements to be approved as to form by the County Attorney.

BE IT FURTHER RESOLVED that Revenue Sharing funds in the total amount of \$95,090 to be received from the Virginia Department of Transportation for the project be, and hereby are, appropriated in the General Fund.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd
Nay: (0)

CLOSED MEETING. At 9:27 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd
Nay: (0)

Meeting Reconvened. At 9:55 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Zaremba moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of February, 2004, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meet-

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ing were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY BOARD OF EQUALIZATION

Mr. Burgett moved the adoption of proposed Resolutions R04-12 and R04-13 that read:

R04-12:

A RESOLUTION TO REQUEST THE JUDGE OF THE CIRCUIT COURT TO RE-APPOINT A MEMBER TO THE YORK COUNTY BOARD OF EQUALIZATION

WHEREAS, Mr. Henry J. Bryan, III's term on the Board of Equalization will expire on March 31, 2004; and

WHEREAS, Mr. Bryan is eligible for reappointment and has indicated that he desires to continue to serve on the Board of Equalization; and

WHEREAS, the Board of Supervisors has reviewed and considered Mr. Bryan's application as well as the applications of other citizens interested in serving in this capacity;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of February, 2004, that the Judge of the Circuit Court be, and he is hereby, requested to reappoint Mr. Henry J. Bryan, III, to the York County Board of Equalization for a three-year term to begin April 1, 2004, and expire March 31, 2007.

R04-13:

A RESOLUTION TO REQUEST THE JUDGE OF THE CIRCUIT COURT TO RE-APPOINT A MEMBER TO THE YORK COUNTY BOARD OF EQUALIZATION

WHEREAS, Mr. Paul W. Garman's term on the Board of Equalization will expire on March 31, 2004; and

WHEREAS, Mr. Garman is eligible for reappointment and has indicated that he desires to continue to serve on the Board of Equalization; and

WHEREAS, the Board has reviewed and considered Mr. Garman's application as well as the applications of other citizens interested in serving in this capacity;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of February, 2004, that the Judge of the Circuit Court be, and he is hereby, requested to reappoint Mr. Paul W. Garman to the York County Board of Equalization for a two-year term to begin April 1, 2004, and expire March 31, 2006.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
Nay: (0)

APPOINTMENT TO THE REGIONAL ISSUES COMMITTEE

Mr. Shepperd moved the adoption of proposed Resolution R04-23 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE REGIONAL ISSUES COMMITTEE

WHEREAS, the Board wishes to appoint a citizen to a term on the Regional Issues Committee;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of February, 2004, that the following individual is hereby appointed to serve a two-year term on the Regional Issues Committee, such term to begin immediately and expire on December 31, 2005.

James Womick

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd
Nay: (0)

APPOINTMENTS TO THE SENIOR CENTER OF YORK BOARD

Mrs. Noll moved the adoption of proposed Resolution R04-17(R) that reads:

A RESOLUTION TO APPOINT TWO REPRESENTATIVES TO THE SENIOR CENTER OF YORK BOARD

WHEREAS, Dana S. Burgett has submitted her resignation as a member of the Senior Center of York Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of February, 2004, that Ronald F. DoBias be, and is hereby, appointed to the Senior Center of York Board to fill the unexpired term of Dana S. Burgett, such term to begin immediately and expire June 30, 2005.

BE IT FURTHER RESOLVED that Herman H. Haferkamp is hereby appointed to fill an open vacancy, such term to expire June 30, 2005.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd
Nay: (0)

APPOINTMENT TO THE COLONIAL SERVICES BOARD

Mr. Shepperd moved the adoption of proposed Resolution R04-18 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE TO THE COLONIAL SERVICES BOARD

BE IT RESOLVED by the York County Board of Supervisors this 3rd day of February, 2004, that Penny R. Dennis be and is hereby, appointed as a representative to the Colonial Services Board for a term of three years, such term to begin immediately and expire June 30, 2006.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd
Nay: (0)

APPOINTMENT TO THE COLONIAL GROUP HOME COMMISSION

Mr. Burgett moved the adoption of proposed Resolution R04-19 that reads:

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A RESOLUTION TO REAPPOINT A YORK COUNTY GOVERNMENTAL REPRESENTATIVE TO THE COLONIAL GROUP HOME COMMISSION

BE IT RESOLVED by the York County Board of Supervisors this 3rd day of February 2004, that Stephen P. Kopczynski be, and he is hereby, reappointed to the Colonial Group Home Commission for a term of four years, such term to March 1, 2004, and expire February 28, 2008.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
Nay: (0)

APPOINTMENTS TO THE 2004 YORK COUNTY BEAUTIFICATION COMMITTEE

Mr. Bowman moved the adoption of proposed Resolution R04-21 that reads:

A RESOLUTION TO APPOINT MEMBERS TO THE 2004 YORK COUNTY BEAUTIFICATION COMMITTEE.

BE IT RESOLVED by the York County Board of Supervisors this 3rd day of February, 2004, that the following individuals be, and they are hereby, appointed as members to the York County Beautification Committee for 2004, such appointments to take effect January 1, 2004, and expire on December 31, 2004.

Don E. Avery
Rhonda Chase
Carole Ferro
Norma Jackson
Hal Murrow
Richard E. Wallsom

Cindy Barbeau
Barbara A. Dunbar
Robert T. Hornsby, Jr.
Bernice Little
Lanna Rackley


On roll call the vote was:


Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd
Nay: (0)

Meeting Adjourned. At 9:57 p.m. Mrs. Noll moved that the meeting be adjourned to 6:00 p.m., Tuesday, February 10, 2004, in the East Room, York Hall, for the purpose of conducting a work session.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd
Nay: (0)


James O. McReynolds, Clerk
York County Board of Supervisors


Thomas G. Shepperd, Jr., Chairman
York County Board of Supervisors